

MAINE HARNESS RACING COMMISSION
MINUTES OF MEETING
April 16, 2015
Gambling Control Board Conference Room
Department of Public Safety Building
45 Commerce Drive, Augusta, Maine

Commission Members Present: Barbara Dresser, Chair, Gary Reed and William McFarland.
Commissioners Absent: Dirk Duncan.

Staff Members Present: Ron Guay, AAG, Henry Jackson, Miles Greenleaf, Dennis May and Carol Gauthier.

ADJUDICATORY HEARINGS:

1. Commissioner Dresser stated that they would start with the adjudicatory hearing regarding David Miller, Complaint Number 2015 MSHRC 001. Attorney Guay gave the oath to Mr. Miller. He also stated that Mr. Miller has not returned the purses as directed by the Decision and Order approved by the Commission and signed by Commission Chair Dresser on October 29, 2014. Mr. William Childs was present and represented Mr. Miller. Mr. Childs stated that he doesn't dispute the payment. He also made a motion to go into executive session. The Commission voted 3-0 to go into executive session. After a brief discussion, Commissioner McFarland made a motion to go out of executive session. Commissioner Reed seconded. Vote 3-0. Attorney Guay stated that there is a violation of the Decision and Order. Mr. Jackson asked Mr. Miller if he could continue the \$500 payment every two weeks. Mr. Miller stated yes. Mr. Jackson stated that the first payment would be April 24, 2015 and the last payment would be July 31, 2015. Attorney Guay asked how that violation would be treated. Mr. Jackson recommended no penalty for further violation. Mr. Childs asked Mr. Jackson if Mr. Miller would be allowed his license now. Mr. Jackson stated not until the last payment has been made. Attorney Guay stated that the hearing will be continued to the next meeting. He closed the hearing. Commissioner Dresser asked for a motion for authorization for Mr. Jackson to enter into a consent agreement in accordance with the terms that were discussed earlier. Commissioner McFarland made a motion to allow Mr. Jackson to enter into a consent agreement that would reach an equitable means of payment with Mr. Miller. Commissioner Reed seconded. Vote 3-0.
2. Attorney Guay stated that Complaint Number 2015 MSHRC 002 Mr. Cimpher would be heard. Mr. Cimpher was not present for his hearing. After discussion on the consideration of preliminary license revocation, Commissioner Dresser asked Mr. Jackson what he thought or guidance of what he was hoping to achieve. Mr. Jackson stated that this was a more serious matter than he thought. He stated that Mr. Cimpher fraudulently filed his application and that his license be revoked. Commissioner Dresser asked if he had been licensed in the past. Mr. Jackson stated yes. Attorney Guay stated that he had been charged three times before on felony charges. Commissioner Dresser asked for a motion. Commissioner Reed made a motion that the Commission find, Mr. Leslie Cimpher has submitted an incomplete and inaccurate license application that he has in fact been found guilty of three felonies; and he would move further that the Commission revoke his license and accept the findings of fact in the proposed order. Commissioner McFarland seconded. Vote 3-0.

UNFINISHED BUSINESS:

1. Commissioner Dresser asked for a motion regarding Janet Davis's consent agreement. Commissioner McFarland made a motion to approve the consent agreement as written on this document and signed by Janet Davis. Commissioner Reed seconded. Vote 3-0.
2. Commissioner Dresser asked for a motion on the decision and order for Pioneer Gaming, LLC to move to their new location. Commissioner Reed made a motion to approve the decision and order regarding the change in location for Pioneer Gaming, LLC doing business as Sanford OTB as presented. Commissioner McFarland seconded. Vote 3-0.
3. Commissioner Dresser asked for a motion on the decision and order for makeup dates for Scarborough and Bangor. Commissioner McFarland made a motion to accept the decision and order as written for makeup dates for Scarborough and Bangor. Commissioner Reed seconded. Vote 3-0.

NEW BUSINESS:

1. Commissioner Dresser stated that they would have a discussion with the approved judges. A letter was submitted by the president of the Maine Standardbred Breeders and Owners Association so that you can see what their concerns are. Ms. Perkins stated that she hopes that all races have been drawn and not seeded, and that this has been a problem. Mr. Malia stated that it is possible that maybe Mr. Kelley is confused. Mr. Jackson stated no, Mr. Kelley said that they are already sorted before the judge gets them. Mr. Malia stated that maybe he (himself) should file a formal complaint because this speaks about the integrity of the race itself, period. Mr. Jackson stated that there might be some retaliation if names were named. He will look into it.

REPORTS:

1. Commissioner Dresser asked for the executive director's report. Mr. Jackson reported on the live racing at Scarborough Downs. He stated that the horse supply is tight. Charles Malia stated that he had looked into this and asked the Commission if Bangor carded 8 races and Scarborough Downs carded 6 if Scarborough Downs could borrow 2 races to make their card equal 8 races and Bangor could do the same. David Sawyer asked about possibly having a 7 card race because he cannot make an 8 card race. Mr. Jackson stated that if a legislator could request from the legislative council approval to submit a piece of legislation for emergency purposes but the legislative council would have to give approval. Commissioner Dresser asked if Mr. Jackson could find that legislation that was replaced. Mr. Jackson stated that he thought it was adopted in 1991.

OTHER BUSINESS:

1. Commissioner Dresser handed the meeting over to Mr. Jackson. Mr. Jackson stated that the Attorney General's office in review of Chapter 11 rules there is one line in there that is in conflict with the state statute and will need to be rewritten. Attorney Guay state that they would have to strike veterinary technician and you would have to vote today to remove those two words. Commissioner Dresser asked about Chapter 17. Mr. Jackson stated that Chapter 17 needs him to site three sources to reference to sign off. Attorney Guay stated that the Secretary of State had changed their forms. He also stated that Chapter 21 allowed a subpoena to be signed by any member of the Commission. In order to fix Chapter 21, all you need to do is remove the words that reference to "any member of the Commission". Attorney Guay asked the Commission to vote on these two items before we move on.

Commissioner Reed made a motion to remove the term "veterinary technician" in any and all occurrences in Chapter 11. Commissioner McFarland seconded. Vote 3-0.

Commissioner McFarland made a motion to remove in Chapter 21, Section 18, Subsection 1 “to any individual member”. Commissioner Reed seconded. Vote 3-0.

Commissioner Dresser asked about the Cobalt testing. Mr. Jackson stated that the testing would be done at the University of Kentucky and not LGC.

Mr. Malia asked about the swab testing. Mr. Jackson stated that they would start that this weekend.

PUBLIC COMMENT:

Ms. Donna Sprague asked to speak to the Commission. Attorney Guay asked if this would be the reconsideration of her suspension. Commissioner Dresser stated that this is not the time to address the Commission under public comment. Ms. Sprague wanted to know what the next step would be. Attorney Guay stated that the rule we have for reconsideration is for hearings. If there is a decision made on a hearing, there is ten days to ask for reconsideration if there is some new evidence. This could be placed on the agenda but there is no guarantee for reconsideration.

EXECUTIVE SESSION:

None.

The meeting adjourned at 1:05 p.m.

Respectfully submitted by:

Henry W. Jackson
Executive Director